

REMARKS

The present amendment is submitted in conjunction with a Request for Continued Examination (RCE) and responsive to the final Office Action dated March 5, 2008, which set a three-month period for response, making a response due by June 5, 2008.

Claims 1 and 3-11 are pending in this application.

In the final rejection, claims 1, 3, 4, 6, 9, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29 06 123. Claims 5 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29 06 123. Claims 8 and 10 were rejected under 35 U.S.C. 103(a) as being obvious over DE 02 06 123 as applied to claims 1 and 4 and further in view of U.S. Patent No. 6,641,634 to Reich et al.

In the present amendment, claim 1 has been amended to more clearly define the present invention over the cited references. Specifically, amended claim 1 now defines that the inlet fitting extends "*only inside the receptacle in a lower region of the receptacle and does not extend over a contour of the receptacle and extends below the dust collecting chamber (17) and below the dust filter (20) and exhaust opening (18), so that an upper region of the inlet fitting (21) forms a bottom portion of the dust-collecting chamber (17)*".

Amended claim 1 defines further that "*said rear delimiting wall (152) is oriented to the axis of the inlet fitting (21) with an angle of less than 90° to form a*

slope to guide an incoming airstream upwards into the dust collecting chamber (17)".

In the primary reference cited in the final rejection, the power tool/dustbox-set is coupled by an extending male and an extending female tube fitting longitudinally into each other. The distance between the power tool of the cited art and the dustbox is determined by the length of the male-tube of the power tool, over which the female tube is to be set. The inlet fitting of this reference is the (female) part of the dust box the output fitting is the (male) part of the power tool.

In contrast, the present invention provides a compact, short, but higher than the prior art, dustbox which is coupled without a distance with a power tool thus contributing to the compact contour of the power tool/dustbox set.

The dustbox is cubelike, formed without parts extending over the outer cube-contour. The inlet fitting is only ***inside the box*** and does not extend over the outer contour of the box but extends far into the inner of the dustbox. Integration of the inlet fitting 21 into the outer contour of the dust box means that the inlet fitting 21 is invisible from the exterior because covered by the walls of the dust box. (page 2, and lines 4 to 9, page 6, lines 24 to 28).

In addition, the invention provides a vertical structure of the dust box by having the inlet fitting, the dust collection chamber, filter and exhaust opening vertically one above the other one such that the dust collection chamber establishes a (separate) storey on top of the inlet fitting 21.

Thus the upper wall of the inlet fitting 21 establishes the bottom of the dust collection chamber and defines the "second storey" of the dust box. The dust is

collected only above the inlet fitting 21 and not on the same level as the inlet fitting 21.

The axis of the mouth of the inlet fitting 21 is directed to the back rear housing wall 152 of the dust collection chamber while the mouth of the inlet fitting 21 is that close to the back rear housing wall 152 that the incoming dust is accelerated/blown along the back rear housing wall 152 upwards into the next higher storey above the inlet fitting 21 (page 2, lines 18 to 24, page 5, lines 20 to 23) where the dust collection chamber is established.

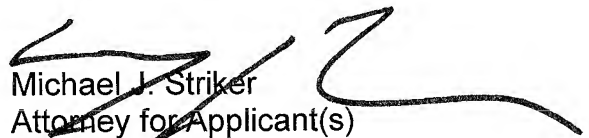
In contrast, the cited art shows only flat, longitudinal rhomb-boxes with extending cylindrical inlet fitting 150 to be connected with the power tool. The mouth of this known inlet fitting 150 has a long distance to the back rear housing wall 152 so that the dust is collected between the mouth of the inlet fitting 150 and the wall 152, resting on the "first storey" of the dust box.

Since the cited reference does not disclose or suggest all of the features of the invention as defined in amended claim 1, the rejection under Section 103 must be withdrawn. It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. Please note also that the modification proposed by the Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims prima facie obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

For the reasons set forth above, the Applicants respectfully submit that claims 1-11 are patentable over the cited art. The Applicants further request withdrawal of the rejections and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", is written over the printed name and title.

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